

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1363

Introduced by Senator Monning

February 19, 2016

An act to *amend Section 35650 of, and to add Sections 35630 and 35631 to*, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1363, as amended, Monning. ~~Coastal resources: eelgrass habitat.~~ *Ocean Protection Council: Ocean Acidification and Hypoxia Reduction Program.*

~~Existing law~~

The California Ocean Protection Act law establishes the Ocean Protection Council and requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, and to establish policies to coordinate the collection and sharing of scientific data related to coastal and ocean resources among agencies. *The act creates the California Ocean Protection Trust Fund in the State Treasury and authorizes moneys deposited in the fund, upon appropriation by the Legislature, to be expended by the council for projects and activities authorized by the council consistent with the purposes of the act.*

~~This bill would state the intent of the Legislature to enact legislation to promote restoration of eelgrass habitat in California's coastal environments, bays, and estuaries, based on scientific and evidence-based approaches. require the council, in coordination with the State Coastal Conservancy, to establish and administer the Ocean Acidification and Hypoxia Reduction Program for the purposes of~~

achieving specified goals. The bill would authorize moneys in the trust fund to be expended for grants or loans for projects or activities that further public purposes consistent with the Ocean Acidification and Hypoxia Reduction Program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35630 is added to the Public Resources
2 Code, to read:
3 35630. The Legislature finds and declares all of the following:
4 (a) Eelgrass ecosystems are among the most diverse and
5 productive ecosystems in the world, with particular importance to
6 commercially and recreationally valuable species ~~like including~~
7 shellfish, crabs, finfish, waterfowl, and ~~migratory birds~~. *shorebirds*.
8 (b) Since the 1850s, 90 percent of California's eelgrass acreage
9 has been destroyed, and the remaining 10 percent is continuously
10 exposed to multiple stressors and threats.
11 (c) Scientific research has shown that eelgrass habitat provides
12 multiple ~~benefits~~ *benefits*, including the following:
13 (1) Providing essential fish habitat for ~~recovering salmon~~
14 ~~populations salmon, groundfish, and Pacific herring, providing~~
15 *Dungeness crab nurseries*, and supporting commercial fisheries
16 important to California's coastal economy.
17 (2) Improving water ~~clarity~~ *quality* by filtering polluted runoff
18 and by absorbing excess nutrients.
19 (3) Helping to mitigate hypoxia, an abnormal deficiency of
20 oxygen in marine environments.
21 (4) Sequestering carbon in the underlying sediments.
22 (5) Protecting the shoreline from erosion by absorbing wave
23 energy and helping to mitigate sea level rise.
24 ~~SEC. 2. Section 35631 is added to the Public Resources Code,~~
25 ~~to read:~~
26 ~~35631. It is the intent of the Legislature to enact legislation to~~
27 ~~promote restoration of eelgrass habitat in California's coastal~~
28 ~~environments, bays, and estuaries, based on scientific and~~
29 ~~evidence-based approaches.~~
30 *SEC. 2. Section 35631 is added to the Public Resources Code,*
31 *to read:*

1 35631. (a) *To the extent funds are available from bonds or*
2 *other sources, the council, in coordination with the State Coastal*
3 *Conservancy, shall establish and administer the Ocean*
4 *Acidification and Hypoxia Reduction Program for the purposes*
5 *of achieving the following goals:*

6 (1) *Developing demonstration projects to evaluate the best*
7 *locations that are optimal for implementing carbon dioxide removal*
8 *strategies, including the protection and restoration of eelgrass*
9 *beds.*

10 (2) *Generating an inventory of locations where conservation*
11 *or restoration of aquatic habitats, including eelgrass, can be*
12 *successfully applied to mitigate ocean acidification and hypoxia.*

13 (3) *Incorporating consideration of carbon dioxide removal*
14 *during the habitat restoration planning process in order to fully*
15 *account for the benefits of long-term carbon storage of habitat*
16 *restoration in addition to the habitat value.*

17 (b) *In advancing approaches in the program to remove carbon*
18 *dioxide from seawater, the council shall consider approaches that*
19 *provide multiple cobenefits, including, but not limited to, providing*
20 *essential fish and bird habitat, improving water quality, and*
21 *mitigating sea level rise.*

22 SEC. 3. *Section 35650 of the Public Resources Code is*
23 *amended to read:*

24 35650. (a) *The California Ocean Protection Trust Fund is*
25 *established in the State Treasury.*

26 (b) *Moneys deposited in the fund may be expended, upon*
27 *appropriation by the Legislature, for both of the following:*

28 (1) *Projects and activities authorized by the council consistent*
29 *with Chapter 3 (commencing with Section 35600).*

30 (2) *Upon authorization by the council, for grants or loans to*
31 *public agencies, nonprofit corporations, or private entities for, or*
32 *direct expenditures on, projects or activities that do one or more*
33 *of the following:*

34 (A) *Eliminate or reduce threats to coastal and ocean ecosystems,*
35 *habitats, and species.*

36 (B) *Improve the management of fisheries through grants or*
37 *loans for the development and implementation of fishery*
38 *management plans pursuant to Part 1.7 (commencing with Section*
39 *7050) of Division 6 of the Fish and Game Code, a part of the*
40 *Marine Life Management Act of 1998, that promote long-term*

1 stewardship and collaboration with fishery participants to develop
2 strategies that increase environmental and economic sustainability.
3 Eligible projects and activities include, but are not limited to,
4 innovative community-based or cooperative management and
5 allocation strategies that create incentives for ecosystem
6 improvement. Eligible expenditures include, but are not limited
7 to, costs related to activities identified in subdivisions (a), (b), and
8 (d) of Section 7075 of the Fish and Game Code, fishery research,
9 monitoring, data collection and analysis to support adaptive
10 management, and other costs related to the development and
11 implementation of a fishery management plan developed pursuant
12 to this subparagraph.

13 (C) Foster sustainable fisheries, including grants or loans for
14 one or more of the following:

15 (i) Projects that encourage the development and use of more
16 selective fishing gear.

17 (ii) The design of community-based or cooperative management
18 mechanisms that promote long-term stewardship and collaboration
19 with fishery participants to develop strategies that increase
20 environmental and economic sustainability.

21 (iii) Collaborative research and demonstration projects between
22 fishery participants, scientists, and other interested parties.

23 (iv) Promotion of value-added wild fisheries to offset economic
24 losses attributable to reduced fishing opportunities.

25 (v) The creation of revolving loan programs for the purpose of
26 implementing sustainable fishery projects.

27 (D) Improve coastal water quality.

28 (E) Allow for increased public access to, and enjoyment of,
29 ocean and coastal resources, consistent with sustainable, long-term
30 protection and conservation of those resources.

31 (F) Improve management, conservation, and protection of
32 coastal waters and ocean ecosystems.

33 (G) Provide monitoring and scientific data to improve state
34 efforts to protect and conserve ocean resources.

35 (H) Protect, conserve, and restore coastal waters and ocean
36 ecosystems, including any of the following:

37 (i) Acquisition, installation, and initiation of monitoring and
38 enforcement systems.

1 (ii) Acquisition from willing sellers of vessels, equipment,
2 licenses, harvest rights, permits, and other rights and property, to
3 reduce threats to ocean ecosystems and resources.

4 (I) Address coastal water contamination from biological
5 pathogens, including collaborative projects and activities to identify
6 the sources of pathogens and develop detection systems and
7 treatment methods.

8 (J) (i) Provide funding for adaptive management, planning,
9 coordination, monitoring, research, and other necessary activities
10 to minimize the adverse impacts of climate change on California's
11 ocean ecosystem, including, but not limited to, the effects of sea
12 level rise, changes in ocean productivity, and ocean acidification
13 on coastal and ocean habitat, wildlife, fisheries, chemistry, and
14 other key attributes of ocean ecosystems and to increase the state's
15 understanding of the ocean's role in carbon sequestration. Adaptive
16 management strategies, planning, research, monitoring, or other
17 activities shall be designed to improve the management of coastal
18 and ocean resources or aid the state to adapt to climate change
19 impacts.

20 (ii) Information or activities developed under clause (i), to the
21 extent appropriate, shall provide guidance to the State Air
22 Resources Board for the adoption of early action measures for the
23 elimination or reduction of emissions from sources or categories
24 of sources pursuant to the California Global Warming Solutions
25 Act (Division 25.5 (commencing with Section 38500) of the Health
26 and Safety Code).

27 (c) Grants or loans may be made to a private entity pursuant to
28 this section only for projects or activities that further public
29 purposes consistent with Sections 35510, 35515, ~~and 35617~~, 35617,
30 35630, *and* 35631.

31 (d) Consistent with the purposes specified in Section 35515,
32 and in furtherance of the findings in Sections 7059 and 7060 of
33 the Fish and Game Code, the council, in authorizing grants or loans
34 for projects or expenditures pursuant to this section, shall promote
35 coordination of state programs and activities that protect and
36 conserve ocean resources to avoid redundancy and conflicts to
37 ensure that the state's programs and activities are complementary.

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